



CANADIAN APPROACHES TO **INTERNATIONAL LAW**

**Professor Angela Fernandez
&
Professor Karen Knop**

Fall 2006

**Faculty of Law
University of Toronto**



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Jim Philips, "Recent Publications in Canadian Legal History," 78:2 <i>Canadian Historical Review</i> (1997): 236-57	35
Robert W. Gordon, "The Arrival of Critical Historicism," 49 <i>Stanford Law Review</i> (1996-97): 1023-29	49
Angela Fernandez, "Letters in Canada 2004" review of Constance Backhouse & Nancy L. Backhouse, <i>The Heiress vs the Establishment: Mrs. Campbell's Campaign for Legal Justice</i> (Toronto: Osgoode Society for Canadian Legal History, UBC Press, 2004) 75:1 <i>University of Toronto Quarterly</i> (Winter 2005/2006)	56

Perspectives on International Law

Lori Fisler Damrosch et al., eds., <i>Historical Introduction to International Law: Cases and Materials</i> (4 th ed.) (St Paul, Minn.: West, 2001) xxvii-xxxvi	59
Benedict Kingsbury, "The International Legal Order," in <i>The Oxford Handbook of Legal Studies</i> , Peter Cane & Mark Tushnet eds. (Oxford UP, 2003), 271-97	69

Colin Warbrick, “The Theory of International Law: Is there an English Contribution?” in *Theory and International Law: An Introduction* (London, 1991), 49-5590

Hugh M. Kindred et al., eds., Summary Table of Contents to *International Law Chiefly as Interpreted and Applied in Canada* (7th ed.) (Toronto: Emond Montgomery Publications, 2006), vii-xiii97

Recommended (students will be asked to read one of the following):

In Robert Beck et al., eds., *International Rules: Approaches from International Law and International Relations* (Oxford University Press, 1996):.....105

- Chapter 3 (Legal Positivism)
- Chapter 5 (The New Haven School)
- Chapter 8 (The New Stream)
- Chapter 9 (Feminist Voices)

Jack Goldsmith & Eric A. Posner, Introduction to *The Limits of International Law* (Oxford University Press, 2005), 3-17.....174

James Thuo Gathii, “International Law and Eurocentricity,” 9 *European Journal of International Law* (1998): 184-211183

Examples of Approaches to International Legal History

Martti Koskenniemi, Introduction to *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960* (Cambridge UP, 2001), 6-10.....198

David Kennedy, “Tom Franck and the Manhattan School” 35 *New York University Journal of International Law and Politics* (2003): 397-435202

Nathaniel Berman, “Modernism, Nationalism, and the Rhetoric of Reconstruction” 4 *Yale Journal of Law and Humanities* (1992) 351-68.....241

Recommended (students will be asked to read one of the following):

Angela Fernandez, “Albert Mayrand’s Private Law Library: An Investigation of the Person, The Law of Persons, and ‘Legal Personality’ in a Collection of Law Books,” 53 *University of Toronto Law Journal* (2003): 37-64247

Karen Knop, “Utopia Without Apology: Form and Imagination in the Work of Ronald St. John Macdonald,” 40 *Canadian Yearbook of International Law* (2002): 287-307262

H. Lauterpacht, “The Grotian Tradition in International Law,” 23 *British Yearbook of International Law* (1946): 1-53273

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Ronald St. John Macdonald, Gerald L. Morris & Douglas M. Johnston, "Canadian Approaches to International Law," in Ronald St. John Macdonald, Gerald L. Morris & Douglas M. Johnston eds., <i>Canadian Perspectives on International Law and Organization</i> (Toronto: University of Toronto Press, 1974), 940-950	343
Allan Gotlieb & Charles Dalfen, "National Jurisdiction and International Responsibility: New Canadian Approaches to International Law," in Yves Le Bouthillier, Donald M. McRae & Donat Pharand, eds., <i>Selected Papers in International Law: Contribution of the Canadian Council on International Law</i> (The Hague: Kluwer, 1999), 3-48	349